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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,432	01/30/2004	Tomoyuki Iijima	ASAM.0106	6406
<div>7590 REED SMITH LLP Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042</div>			<div>EXAMINER WONG, BLANCHE</div>	
			<div>ART UNIT 2419</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 10/28/2008</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/767,432	<b>Applicant(s)</b> IIJIMA ET AL.	
	<b>Examiner</b> Blanche Wong	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed October 2, 2008 have been fully considered but they are not persuasive.

With regard to claim 1, Applicant has amended with the claim language "by each of said two or more virtual routers realized in a same router independently" in lines 9-10 so that the claim reads "... a table memory for storing respective routing information necessary for routing processing of said received packet by each of said two or more virtual routers realized in a same router independently ...". However, this amendment introduces new issues. It is unclear whether respective is referring to said received packet. If so, it is unclear whether each of said two or more virtual routers processes the same respective routing information stored in the table memory. Furthermore, it is unclear whether "a same router" means said active or standby router, or both. Lastly, it is unclear whether the term "independently" describes the routing processing by each of said two or more virtual routers or describes said two or more virtual routers in a same router.

With regard to claim 1, Applicant has amended with the claim language "provided in the same router" in line 10 so that the claim reads "... a program memory in which a program to be executed by said processor provided in the same router is therein in advance ..." However, this amendment introduces new issue. Examiner disagrees whether this amendment corrected the previous 112 rejection where it is unclear whether two copies of a program is each stored in the program memory of the active

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and standby routers and executed by the respective processor of the routers, as written in Office Action dated april 14, 2008, it is further unclear whether "a same router" means said active or standby router, or both. Examiner suggests referencing the active and standby router by name.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities:

With regard to claim 1, Examiner suggests removing the numerals "11" behind the term "active router" in lines 13 and 14.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1-12** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claim 1 recites "synchronizing per virtual router independently via synchronizing (1) said respective routing information ... managed by only one of said

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two or more virtual routers realized and activated on said active router with (2) said respective routing information ... managed by a corresponding one of said two or more virtual routers realized but not yet activated on said standby router ...." Specification, p.13, line 3, discloses "In this invention, a function to avoid a trouble in each VR is achieved by synchronizing the VRID within the VRRP packet ..." The term "synchronizing" is only found in the Specification in this regard. Therefore, "synchronizing per virtual router independently via synchronizing (1) said respective routing information ... managed by only one of said two or more virtual routers realized and activated on said active router with (2) said respective routing information ... managed by a corresponding one of said two or more virtual routers realized but not yet activated on said standby router ...." is new matter.

5. **Claims 1-12** are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for virtual routers and "the active router having its VR function activated" (p.7, line 8), does not reasonably provide enablement for "realized and activated" and "realized and not yet activated" virtual routers (as recited in claim 1). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. **Claims 1-12** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, it is unclear whether “said processor” in line 11 refers to each of said two or more virtual routers or said active router or said standby router, or whether the virtual routers have a processor or do processing, or not.

With regard to claim 1, lines 15-20, it is unclear whether the virtual routers can be set to realized or unrealized, and activated or unactivated.

With regard to claim 1, it is unclear whether “a packet” in line 22 is the same as “a received packet” in line 7.

With regard to claim 4, it is unclear whether “said packet” in line 2 refers to “a received packet” in claim 1, line 7 or “a packet” in claim 1, line 22.

With regard to claim 5, it is unclear what is meant by “... said standby router decides by ... that when ..., as ..., and then starts ....” This phrase is grammatically improper.

8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, lines 15-20, “(1) said respective routing information ... managed by only one of said two or more virtual routers realized and activated on said active router” and “(2) said respective routing information ... managed by a corresponding one of said two or more virtual routers realized but not yet activated on said standby router”.

Claim 1, lines 15-20, lines 23-24, and lines 25-26, "one of said two or more virtual routers realized and activated on said active router" and "one of said two or more virtual routers realized but not yet activated on said standby router".

Claim 1, lines 27-29, "said respective routing information managed by said only one of said two or more virtual routers realized and activated on said active router".

Claim 3, lines 4-5, "said routing respective information sent from said active router".

Claim 5, lines 8-9, "processing being handled by said two or more virtual routers realized and activated on said active router". Examiners notes that there is processing being handled by said only one of said two or more virtual routers realized and activated on said active router" in claim 1.

Claim 9, lines 2-3, "said virtual router configuration flag indicating whether to activate said corresponding one of said two or more virtual routers".

Claim 10, lines 3-5, "said virtual router configuration flag indicating whether to activate said corresponding one of said two or more virtual routers".

### ***Allowable Subject Matter***

9. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. Claims 2-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/  
Examiner, Art Unit 2419  
October 12, 2008